**From FIAT JUSTITIA being a few thoughts respecting the maori prisoner KEREOPA now in the Napier Gaol, awaiting his trial for murder.**

**Respectfully addressed to the “considerate and justice-loving Christian Settlers of Hawke’s Bay, and also to our Rulers, in a letter to the Editor of the “Hawke’s Bay Herald”, 1871.**

The Hauhau superstition originated in Taranaki in 1864, while we were fighting with the natives. It was begun by a native named TE Ua, who had been known for many years to Europeans as a very good man, and who, in the wreck of the Lord Worsley steamer, did all that he could to prevent his people from plundering the wreck. He now announced himself a prophet, divinely commissioned [God had given him the job] by the Angel Gabriel to [help] and relieve his suffering countrymen [Maori of New Zealand].

He was believed in by many, and he sent out his servants, or colleagues, all over the island: among others he sent a chief named Patara to visit the East Coast, and to induce the then populous[ heaps of people] tribes residing [living] here to join them. Patara had with him in his party ...Kereopa and they carried with them the head of a Captain Lloyd, who had been killed in fighting.

The party came to Opotiki, the Rev. Mr. Volkner’s [mission] station, by way of Tarawera Lake, where the Rev. Mr. Spencer was residing; they did. however, no hard to Mr Spencer.

On their arrival at Opotiki they commenced haranguing [badgering] the people; the fame of the new religion ...preceded them; and soon gained many adherents [followers or converts]. And there can be little doubt, that, under their fanatical zeal [energy] and their maddening orgies continually being practised by day and night, they were more or less insane.

Most unfortunately, after only a few days ...at Opotiki, a small vessel arrived from Auckland, having on board Mr Volkner and Mr Grace (another minister). This was considered by them [the Hauhau] as highly confirmatory [true that] of their new religion, as their god had thus given their enemies into their hands!

Mr Volkner was soon seized and cruelly killed, for his alleged political offences against the Maoris, as well as by way of revenge for the more serious offences charged against the Government.

There can be little doubt, that the prisoner Kereopa was more or less concerned with many others in all that took place.

Shortly afterwards a young half-caste named Fulloon, holding a subordinate office in the Government service, was also killed by his owned excited Hauhau tribe in the neighbourhood of Opotiki [Colenso means Whakatane], on his arriving among them in a little vessel, for similar political offences real or alleged. [believed]

Here I would quote a few words from an able and cautiously-written letter by the late Chief Justice of New Zealand, Sir William Martin, to the Native Minister: it is dated September 23, 1865. Speaking of the state of things at Opotiki preceding Mr Volkner’s death, Sir William says: “No spot in the inland was better prepared to received this fanaticism than Opotiki. The people of that place had sympathised in the Waikato [fight to defend themselves], and some of them had taken part in the war.

Various circumstances had caused their Minister (Mr Volkner) to be suspected of being in secret correspondence with the Government on the subject of their disaffection [being upset at the British government].

The feeling of the people became more bitter when their leading chief Aperotanga, who had been wounded and taken prisoner by our allies, was murdered by a woman of that tribe ( the widow of Pekama Tohi), in revenge for the death of her husband who had fallen in the war. Yet this provocation did not at once lead them to retaliate on Mr Volkner. Even two men of the offending tribe who had come into the district from the eastward in ignorance of all that had passed were spared.

The cry of blood which arose from the widows was rebuked by a woman, and the men were fed, conducted to the western boundary of the district, and sent on their way.

Mr Volkner having again visited Auckland, was continually troubled by the thought of the miserable condition of his people [Whakatohea]. Their cultivations had been neglected, and a low fever, caused by the lack of food, had carried off more than 150 persons. It appeared to be worth while to try the effect of an attempt to minister to them. He resolved therefore to revisit them … A small vessel was seen entering the river, and it was discovered that Mr Volkner was on board. As the people cluster on the banks of the river the Hauhau leaders pointed to the vessel as a proof of the magical power of the new worship which had brought their betrayer into their hands”.

And, again, after Mr Volkner’s death, Sir William Martin says: “Even after this foul crime the superstition continued to spread. Patara, who was himself not present at the murder, proceeded with his party to Turanga (Poverty Bay). He kept Kereopa in the background, and spoke of the murder as a misfortune, a great blow to a good cause. Even then, men who had for years exhibited a sober, thoughtful character were ...carried away by what the Maori calls “Aroha ke te iwi” (pity for the people)...the maoris were strongly affected by the novel practices and ...worship [of the Hauhau] and especially by the bitter crying and wailing for their countrymen slain and their land seized by the pakeha.”

**OPOTIKI CHIEFS POINT OF VIEW?**

Indeed the chiefs of Opotiki in writing to the Government after Mr Volkner’s death,told them what had been done, and of the reasons, and what Europeans might further expect: they say:- “Friends this is a word to you. Mr Volkner, Minister is dead. he has been hung according to the laws of the New Canaan, in the same manner as it has been ordained by the Parliament of England that the guilty man be imprisoned. Friends do not you ask (as if you did not know), “what is the cause of that wrong?” This alone is the cause; firstly, the deception practised upon our island by the Church. That Church said that they were sent hither by the Church of England; secondly, the sin of the Governor at Rangiriri,-his murder, the women are dead; thirdly, Rangiowhia, where the women were shot: that is now analterable law of the Governor’s. [the governor can’t change what happened.] We are now aware, with regard to those laws, that they were made by the authority of England. Why is not the Governor ashamed? Friends our island is now aware of your doings. Listen. You catch the Maoris, we kill the pakehas. You hang the Maoris and we hang the Pakehas.”

**The chief Wiremu Tamihana te Waharoa also, in his two long and sad petitions of grievances to the General assembly, dated April and July 1865, complained of pretty nearly the same things**; he says:- “To the Parliament at Wellington. Salutations. Hearken. I will tell you the causes of the trouble which has disturbed this island. I write to you all because I have heard people say, that you are the men selected to inquire into the wrongs of the Maoris and pakeha...For a period of 20 years we had no desire to fight with the pakehas, notwithstanding during that period we were numerous and you, the pakeha were few. And how was it that we did not wage war with you at that time when we were in the majority and when you were few? When it came to the time of the murder at Rangiaohia, then I surely knew, for the first time, that this was a great war for New Zealand. look also: Maoris have been burnt alive in their sleeping-houses! Because of this, I did not listen to the words of the pakehas disapproving of the evil of the Maoris’ mode of fighting, which partook of the nature of cruelty. When the women were killed at the pa at Rangiriri, then, for the first time, the General advised, that the women should be sent to live at places where there was no fighting. Then the Pa at Paterangi was set aside as a place for fighting, and Rangiaowhia was left for the women and children. As soon as we had arranged this, the war party of Bishop Selwyn and the General started to fight with the women and children. The children and women fell there! Before this time our desire was great to put away the customs of our forefathers - ambushes and surprises, and other modes of warfare by which the enemy could be destroyed. Do not say that the words of advice are thrown away upon us. No! the words of advice are regarded by us; it was the affair at Rangioawhia which completely hardened the hearts of the Maori people. The reason was the many instances of murder. Now let me count them. First, the commencement of this war was Rangiriri, a murder; Rangiaowhia, a murder. the taking of the river of Horotiu was also a murder,- **a murder of men and a murder of land.** My reason for calling the taking of Horotiu a murder is, that the General said, he would not carry the war into my territory. But after this he brought his men to occupy my country (horotiu), to fight also with my tribe; but I was not willing to fight with him; I, and my people, and also the King [kingites] departed and left our land to be cut up without cause by him. I believed in his peaceable word.”

This petition by chief Wiremu Tamihana te Waharoa is dated April 1865, just a month after the death of Mr. Volkner.

Colenso states that there are many papers to the same effect [corroborating] **indicating too plainly the deep-seated feeling of long-borne injury in the Maori mind. Sir W. Martin** also clearly shews that he was aware of this; **in his letter already quoted, he says: “ The practical fact with which we have to deal is this: the old feeling of distrust and exasperation towards our Government has been strong enough to lead thoughtful men ...to join the Hauhau cause, even after the commission of the great crime at Opotiki. This is our real difficulty: ... I believe that this feeling is now more deep and more widely spread than at any time. I believe there are now many who are convinced that we are determined, even by fraud and violence, to get possession of their land, and force our dominion upon men who have never consented to sacrifice their lives in the contest. The state of the case is this: we have put too great a pressure upon these people. more than they can bear, more than we can continue to exert: we have driven many of the natives into a state of determined resistance bordering on desperation…**

**AGASSIZ SAYS NO FORTIFICATIONS AND THAT MAORI BELIEVED THEIR GOD WAS DEFENDING THEM**

An extract from a statement of **Mr Agassiz, a European surgeon resident at Opotiki at the time**, is worthy of notice, is shewing how these deluded Hauhaus were again unfortunately confirmed in their new religion” he says: “ The Opotiki natives did not make any pa or fortification. They said, if any soldiers came their god would defend them. They instance the retreat of the crew of H.H.S Eclipse, as one of the interpositions of their god in their behalf. That steamer had landed several soldiers: they marched up to a pa occupied by 12 natives, and they were frightened by their god and ran away. A sailor was shot by his own comrades. [Ranginui Walker writes about this. the blood in the sand was gathered up by the Hauhau etc] The natives assert they never fired a shot on the night when the sailors landed: the firing was all done by the pakeha. They found on the beach some sand which had been stained with the blood of the wounded sailor; they also picked up some four or five cartridges placed on a board beside the sacred post. After the usual ceremonies of encircling the post and singing Pai Marire songs, each person advanced to the board, bowed low, and thanked the good god of the Pai Marire for making the pakehas shoot their own people.”

**GREY SAYS ONE THING AND DOES ANOTHER**

On the 2nd of September 1865… the Governor [Grey] issued his famous “proclamation of Peace” in which he stated that the war is at end that “sufficient punishment had been inflicted and so much land confiscated as we thought necessary; that all who have been in arms would never be prosecuted for past offences ...Out of the lands which have been confiscated in the Waikato and at Taranaki, and Ngatiruanui, the Governor will at once restore considerable quantities to the natives. The Governor will take no more lands on account of the present war. The Governor is sending an expedition to the Bay of Plenty to arrest the murderers of Mr Volkner and Mr Fulloon. If they are given up to justice, the Governor will be satisfied: if not, the Governor will seize a part of the lands of the tribes who conceal these murderers…”

On the 4th of September (**only two days after the aforesaid “Peace Proclamation”) the “Proclamation proclaiming martial law throughout the districts of Opotiki and Whakatane” was issued.** the “expedition” sailed from Wellington to Opotiki without a Civil Magistrate: arriving there, **they immediately** (without even a formal parley or demand of the murderers) **commenced military operations, killing (as per official return) in the first three days 16 of the natives (sex not shewn), utterly destroying their war pah and villages, and also all their cultivation for miles.**

The following is an extract from what was then published: “After the (first day’s) fight the British flag was waving where Volkner was murdered. Judging from expressions of feeling around our camp fires, the conclusion is unavoidable, that it will not require a very large goal to hold our prisoners;...Thirteen dead bodies of the enemy were counted this day, and 12 more a few days after.” [ Colenso does not tell us where this report comes from].

Other engagements took place afterwards in [Opotiki] district and very many more natives were slaughtered: the number, however is not known.

Subsequently a large number of them were also taken prisoners: these were conveyed to Auckland, tried, and several of them hung there, [Mokomoko] while others of them were imprisoned.

The land (“500,000 acre”) was also confiscated. Here i pause awhile in my recital to ask, if anyone, after reading the foregoing ...faithful outline, can say, that “the murders of Mr Volkner and Mr Fulloon” were not most amply avenged?

For my own part I candidly confess, that, to this day, i have never been able to see the justice of this most complicated proceeding; which, remember was not done in a hurry. The carefully drawn, and plain and full “Peace Proclamation” was issued six months after the murder of Mr Volkner. In it the Colony was informed that the “war was at end” that “the governor was sending an expedition to arrest the murderers. *If they are given up to justice the Governor will be satisfied:* IF NOT *the Governor will seize a part of the lands of those who conceal the murderers:”* not however as in former cases, for the Crown, but “and will use them for the purpose of maintaining peace in that part of the country, and of providing for the widows and relatives of the murdered people.”

**But nothing of the kind was attempted - may i not rightly say, *intended?* [you go Colenso!!] seeing that no Civil Magistrate accompanied the said “expedition, and that a proclamation levying war unconditionally on that district [martial law] was actually issued previous to the expedition [even] leaving Wellington!**

**The Governor himself broke his own terms, and chose again to initiate war in the island and Colony only two days after he had announced peace, and that without any thing new calling for his doing so**.

I, therefore, cannot see the justice of beating the unhappy Opotiki Hauhau with *both ends of the stick!* Either (one would suppose) by civil law [putting people on trial for murder] , or by fighting and confiscation [military intervention] , but not by both. I waive, for the present, the enquiry as to the Governor’s legal power to proclaim martial law at all, there or anywhere else in the Colony. [Remember Grey was the Governor : not the Prime Minister of New Zealand at the time]

Colenso also points out that the Act deeming Maori to be British subjects was assented to on the 26th of September 1865; a fortnight AFTER the expedition to Opotiki to arrest the murderers, but which was actually a military invasion.

*So what do you think Colenso thinks of the consequences for Whakatohea?*